

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

MERIAL LIMITED and MERIAL S.A.S.,

Plaintiffs – Counterclaim Defendants

v.

VELCERA, INC. and FIDOPHARM, INC.,

Defendants – Counterclaim Plaintiffs

Case No. 3:11-cv-00157-CDL

JOINT AMENDED SCHEDULING ORDER

Pursuant to this Court's June 27, 2012 Order (Dkt. 69), the parties jointly submit this proposed amended scheduling order.¹ The parties' proposed dates are set forth below.

¹ On July 12, 2012, the parties submitted a joint proposed amended scheduling order presenting two alternative discovery schedules lasting 4 months (Merial's proposal) and 6 months (Velcera's proposal). The parties continued to meet and confer, however, and have now resolved the issue of the length of discovery, as set forth herein. The parties' respective positions on the number of custodians from which to collect and search ESI, as well as the number of search terms to be used for that process, remain unchanged, and are set forth in the Joint Discovery Status Report filed with the Court on July 12, 2012 (Dkt. 71 at pp. 8-14).

Case Event	Proposed Dates
Burden of Proof Expert Reports (reports on Velcera's counterclaims and amended reports on Merial's claims)	October 12, 2012
Non-Burden of Proof Expert Reports (reports on Velcera's counterclaims and amended reports on Merial's claims)	November 12, 2012
Rebuttal Expert Reports (rebuttal reports will be permitted to rebut non-burden of proof expert reports regardless of whether the opposing party had previously designated an expert witness on that topic) (reports on Velcera's counterclaims and amended reports on Merial's claims)	December 12, 2012
DISCOVERY CLOSES	180 days from the date the Court enters an amended scheduling order
Summary Judgment motions due (responses/replies due per Local Rules)	45 days from the close of discovery
Motions to Exclude Expert Testimony (Any party requesting an evidentiary hearing for the resolution of a motion to exclude expert testimony shall file a written request for a hearing at the time of the filing of the motion or the response to the motion)	Motion must be filed within 21 days after the Court's ruling on the last pending motion for summary judgment. If no summary judgment motion is filed by the date that dispositive motions are due, then any <i>Daubert</i> motions shall be filed within 21 days after the due date for filing dispositive motions

Motions in Limine Due	Motion must be filed within 21 days after the Court's ruling on the last pending motion for summary judgment. If no summary judgment motion is filed by the date that dispositive motions are due, then any <i>Daubert</i> motions shall be filed within 21 days after the due date for filing dispositive motions
Trial	As soon thereafter as the Court deems appropriate. The Court to set deadlines for other pre-trial filings, jury instructions, witness lists, pre-trial conference, etc.

IT IS SO ORDERED, this 27th day of July, 2012.

s/Clay D. Land

CLAY D. LAND

UNITED STATES DISTRICT JUDGE